

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WENDELL DWAYNE O'NEAL,

Civil No. 06-1677 (PJS/JJG)

Plaintiff,

v.

ORDER ADOPTING
REPORT AND
RECOMMENDATION AND
DISMISSING PLAINTIFF'S
COMPLAINT

G. TONY ATWAL, MARK F. ANDERSON,
UNKNOWN SECRETARIAL EMPLOYEE,
LAWRENCE HAMMERLING, STATE
PUBLIC DEFENDER OFFICE, and
MINNESOTA STATE,

Defendants.

Wendell Dwayne O'Neal, 223 North Eighth Street, La Crosse, WI 54601, *pro se*.

This matter is before the Court on plaintiff's objections to the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated May 23, 2006. The Magistrate Judge recommends that plaintiff's complaint be dismissed and that his motion for leave to proceed *in forma pauperis* be denied.

The Court has conducted a *de novo* review of the Report and Recommendation and plaintiff's objections pursuant to 28 U.S.C. § 636(b)(1)(C) (2000) and D. Minn. LR 72.2(b), and has also considered plaintiff's additional exhibits, dated May 18, 2006, that were entered on the docket on July 17, 2006. *See* Doc. No. 8. The Court agrees with the Magistrate Judge's conclusions. Accordingly, the Court adopts the Report and

Recommendation of the Magistrate Judge and dismisses plaintiff's complaint.

ORDER

Based on all the files and records herein, the Court OVERRULES plaintiff's objections [Docket Nos. 6, 7] and ADOPTS the Report and Recommendation of the Magistrate Judge [Docket No. 4]. Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for leave to proceed *in forma pauperis* [Docket No. 2] is DENIED; and

2. This action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 19, 2006

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
United States District Court Judge